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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,650	02/22/2000	Frank S. Yuan	248/006	2218

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LOS ANGELES, CA 90013-1025

EXAMINER

SNAPP, SANDRA S

ART UNIT	PAPER NUMBER
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3624

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DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/511,650

Applicant(s)

YUAN, FRANK S.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13,15-17,19-24 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13,15-17,19-24 and 26-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 8-13, 16-17, 18-24 and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by the Wireless Commerce Ltd international application (WO 00/22907 – hereinafter “WCL”).

The WCL reference discloses a method for an auction providing at least one seller that posts goods or services, providing one or more buyers to bid on the goods, providing an auction manager to conduct the auction, designating a winning buyer, and providing a guarantee via a factoring agreement by a financial institution (p. 1, lines 32-37 and p. 8, lines 16-26); the financial institution is a factoring entity, a bank or a credit assurance company (p. 3, lines 1-6); the guarantee is a single transaction factoring agreement, a no-loan factoring agreement or a loan

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factoring agreement (p. 3, lines 1-6, use of a credit or debit account); the goods are posted and the auction is conducted online at a web site (p. 3, lines 11-19); the seller applies online for the guarantee prior to posting the goods or services (p. 4, lines 6-14); the buyers apply online for a credit check prior to bidding on the goods or services (p. 4, lines 6-14); a portion of the sales price is paid to the auction manager or financial institution (p. 1, lines 33-37); the financial institution receives commissions (present application, background of the invention section, p. 5, lines 10-16); the time period is 30 days (the Examiner takes official notice that a specific time period can be set in an auction).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 14, 15, 25, 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable as applied to claim 1 above, and further in view of the Aggarwal et al. patent (US 6,151,589).

The WCL reference discloses all the elements of the claimed invention, as stated above, except for having multiple auctions running simultaneously. The Aggarwal et al. patent discloses an method for performing multiple auctions online simultaneously (col. 2, lines 41-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the WCL system to include the multiple auctions as taught by the Aggarwal

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reference so as to maximize the amount of goods and/or services to be auctioned in the least amount of time as well as to provide a forum for selling large scale commodities.

Response to Amendment

The amendment to the specification filed in paper no. 5, on 1-17-03 has clarified the record and therefor the objection is withdrawn.

Applicant's amended claim language, see Amendment A, paper no. 5, filed 1-17-03, with respect to the rejection(s) of claim(s) 7-10, 14-17, 19 and 25-28 under 35 U.S.C. 112, second paragraph, has been fully considered and overcomes the rejection of record. Therefore, the rejection has been withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 1-29 based on 35 U.S.C. 102(b) have been considered, however, upon further consideration, a new ground(s) of rejection is made in view of the WCL reference. (See above rejections).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the

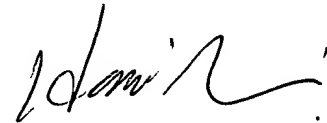
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organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

ss *ch*

April 4, 2003



**HANI M. KAZIMI
PRIMARY EXAMINER**